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PATENT TRADEMARK OFFICE
Atty. Docket: 91885/0479702

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: David E. Babiarz, : Paper No:
Ronald T. Cappadocia and
William E. Lundgren, Jr.
Serial No. 09/802,631 : Group Art Unit: 1761
Filed: March 8, 2001 : Examiner: Robert A. Madsen
For: TACKED COILED FOOD PRODUCTS AND METHODS OF FABRICATING

Do Not Enter
Date 4/1/03

AMENDMENT UNDER 37 C.F.R. § 1.116

Box AF
The Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action, dated February 13, 2003, placing the above application under final rejection, please consider the following amendments and the accompanying remarks. The following amendments and remarks are being presented for the first time in this paper since they are responsive to references cited for the first time in the above Office Action. Further, it is submitted that the following amendment and the accompanying remarks place the application in form for allowance, or at the very least in better form for appeal, and therefore should be entered under 37 C.F.R. § 1.116.

Please amend the claims as follows:

Claim 1 (twice amended). An item comprising:

a food strip selected from fruit-based materials and candy materials, having an outer surface and a length defined by a leading end and a trailing end, the strip being rolled around the leading end into a roll having multiple rotations to define two or more layers lying in contact with each other; and